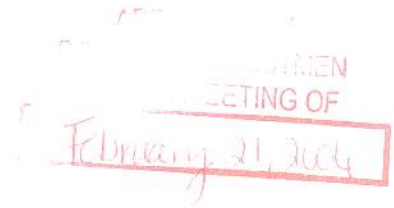


Wenham Board of Selectmen
Bessie Buker Multi Media Room
January 17, 2006 ~ 7:30 PM
January 19, 2006 ~ 5:30 PM



Present: Tom Tanous, Chair; Peter Hersee; Don Pickard
Also Present: Jeff Chelgren, Town Administrator; Catherine Tinsley, Secretary

Mr. Tanous opened the meeting at 7:32 PM.

ANNOUNCEMENTS

H-W-RSD Level Service Budget Forum – Thursday, January 19, 2006 at 7 PM BB

Mr. Hersee announced there would be a public forum on Thursday January 19, 2006 at the Bessie Buker School to preview what Hamilton, Wenham, and the Regional School District budgets would look like in FY 07 at level service. He went on to explain level service budgeting and added that another public session is scheduled for February 1, 2006 during which residents may ask questions, voice concerns, and give input on the proposed budgets.

January 11, 2006 Special Election

Mr. Tanous announced that the January 11th special election ballot vote passed, saying the vote allows the transfer of building funds previously approved for the new town hall and police station project to finance the town hall renovation and new police station project.

Annual Reports

Mr. Pickard stated that annual reports in town departments, boards, and committees, must be submitted to Kathy Teel by January 27, 2006.

OLD BUSINESS

Class II Auto Sale License – 21 Porter Street

Mr. Chelgren identified that Town Counsel has notified the BOS that the recent approval of the Class II Auto Sale license application for 21 Porter Street first requires approval from the Zoning Board of Appeals.

Mr. Hersee moved to rescind the Class II Auto Sales license granted for 21 Porter Street at the January 3, 2006 BOS meeting. Mr. Pickard seconded and the motion was approved by unanimous vote.

NEW BUSINESS

Class II License Approvals

Mr. Pickard identified the town received the following three license renewal applications:

34 Arbor Street, 60 Maple Street, and 233 Main Street.

Mr. Chelgren identified the application to renew the license at Fallon Auto Service Station at 233 Main Street includes the request to modify the license wording that “20 cars parked overnight” be stricken from the application and that there be no limitation as to the number of cars. He said the request also includes changing the number of vehicles for sale from four to twelve.

The Selectmen discussed the modifications. It was identified that the cars are stored in the rear of the building and that 233 Main Street is business zoned.

Mr. Hersee moved to modify the wording to increase the autos for sale to twelve with a total limit of twenty vehicles on the property and approve the Class II license for Fallon's Auto Service Station at 233 Main Street through January 2007.

Mr. Pickard seconded and the motion was approved by unanimous vote.

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Mr. Chelgren identified Burnett's Garage is requesting the renewal of a Class II license for 60 Maple Street. He went on to say there was one complaint for an excessive number of cars on the site that Mr. Burnett addressed it promptly and that he remains in compliance.

Mr. Pickard moved to approve the application to Burnett's Garage at 60 Maple Street for a Class II license from January 2006 through January 2007 under the terms and conditions presently set. Mr. Hersee seconded and the motion was approved by unanimous vote.

Mr. Chelgren identified the town received an application for a Class II license renewal for 34 Arbor Street.

Paul Weaver, Town Counsel was present and updated the BOS regarding the 2005 license renewal at 34 Arbor Street, which was granted last year subject to specific conditions. He said the license holder challenged those conditions, which is currently in litigation.

Mr. Weaver told the Selectmen they could grant the license with the same conditions even though it is in litigation.

Mr. Hersee reviewed the two conditions as:

1. providing a written maintenance agreement with all abutters
2. having a phase-one environmental study of the property done at the owners expense.

Mr. Hersee added a third condition saying if the court finds in favor of the town, then the two conditions must be met, but if the court finds in favor of the plaintiff, then he does not have to comply. The limitations on the license were identified as follows: a four-car garage and a two-car shed, no more than twenty-five cars are to be kept on the property and must be parked in the rear of the property, and no more than five cars to be displayed in the front.

Discussion followed. Mr. Weaver said that pending the court decision, not renewing the license would prevent Mr. Freeman from operating their business, which includes going to used car auctions and purchasing cars.

Abutter Paul Mendonca, 38 Arbor Street, addressed the Board saying the original business was licensed to operate at 34 Arbor Street, the current application has both 34, and 36 Arbor Street listed. He questioned if it was legal for the business to expand. He also questioned if the license has been valid since the original property owner of 34 Arbor Street Alice Clay, is deceased. Mr. Mendosa observed that Mr. Freeman complied with the license for only two months and requested that this license not be renewed.

Mr. Chelgren identified one complaint of too many cars on the site was verified by the police, which was rectified. The Police report also noted that there were twenty-eight cars, which looked like junk, on the property.

Mark Donnelly, 44 Arbor Street, complained to the Board regarding the Freeman's use of public land i.e. using the sidewalks for customer parking, blocking the sidewalk from being used by pedestrians and noted Mr. Freeman has continued to operate the way he want to, regardless of the neighbors requests to comply.

Denis Curran, 32 Arbor Street, spoke and referred to the "good faith" of being a good neighbor and the guidelines were not followed until police enforced the conditions and he requested that the BOS not renew the license. He added that Mr. Freeman has not complied with the rules for many years.

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Mr. Pickard said he is concerned with the blocking of the sidewalks suggested that no parking signs be posted and curbing be installed, adding that he does not support renewing the license.

Mr. Hersee also said he is concerned for the neighbors and does not support renewing the license.

Mr. Tanous noted that the license states it is for an individual but two people are listed. He added that cars are parked at both 34 and 36 Arbor but these lots have been taxed separately from since before 1950 and are not considered one property.

Mr. Tanous stated that he does not renew the license.

Mr. Weaver told the Selectmen this is a Zoning Board issue as an abuse of the zoning laws, and the scope of use is not permitted under the zoning and this issue should be referred to the ZBA.

Mr. Hersee moved that the BOS deny the application for a Class II Auto Sales License at 34 Arbor Street for Freeman's Garage. Mr. Pickard seconded and the motion was approved by unanimous vote.

Senator Bruce Tarr and Representative Brad Hill were present to discuss the CPA as relates to the Maples.

Mr. Hill said that The Maples is being assessed as a single entity and receives one bill with \$100,000 off the assessment for CPA purposes. He explained that the residents are asking that each unit be billed separately and receive the \$100,000 exemption.

Referring to the M.G.L. regarding Co-ops he said under the current law it is not possible to comply with this request but that the CPA language can be amended to add a new section 55, which would address this issue and allow the town to allocate the exemption by unit.

After reading the chapter, Mr. Hill told the Selectmen that the home rule petition option would ask the legislature to add this section and that this approach usually gets a quicker response when submitted by the town. He said this will require a town meeting vote to amend the CPA for the Maples Co-op can be assessed as separate units.

Mr. Tarr identified as an alternative, the Government can file on behalf of the community, but this should be held as a last option.

The BOS agreed that an article to adopt the CPA changes be on the May 2006 Town Meeting warrant.

Mr. Tarr spoke briefly on local aid, identifying new proposed numbers from the Governors budget saying there is more money in the state budget for communities, but change to the formula is still needed for determining the amount of money that town's receive.

Regarding the lottery, he said the Governors budget for 2007 would accelerate the uncapping of lottery money so that all the dollars go back to the cities and towns sooner than later.

Mr. Tarr told the Selectmen there is more money in the PILOT (payment in lieu of taxes) program.

Flexible spending plan - Sarah Johnson

Ms Johnson identified Jack O'Malley currently oversees the Flex plan. There is a \$450 fee for his service to update the plan.

She noted the benefits allow higher limits on pre-tax for medical and childcare expenses.

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Mr. O'Malley told the Selectmen that the plan must be reinstated to be in compliance. He went on to say that employees who participate could save money with 25-30% of their income taken out, before taxes, for medical expenses and childcare.

Mr. Hersee stated he supports this company and identified an additional \$65 a month fee over the \$450 cost, plus an additional \$4.50 per employee administrative fee.

Mr. Pickard moved to authorize the Treasurer to enter into an agreement to upgrade and administer the flex plan as described and enter into a contract with Salem Co

Mr. Hersee seconded and the motion was approved by unanimous vote.

Annual Town Meeting - May 6, 2006

Mr. Hersee moved to set the date for the annual town meeting for May 6, 2006, the first Saturday in May and to open the warrant to be closed March 8, 2006.

Mr. Pickard seconded and the motion was approved by unanimous vote.

9:30 p.m. - *Mr. Hersee moved that the Selectmen recess to Thursday, January 19 at 530 p.m. in the recreation building.*

Mr. Pickard seconded and the motion was approved by unanimous vote.

Wenham Board of Selectmen
Recreation Building
January 19, 2006 ~5:30 p.m.

Present: Tom Tanous, Chair; Peter Hersee; Don Pickard

Also Present: Jeff Chelgren, Town Administrator; Catherine Tinsley, Secretary

5:33 p.m. - Mr. Tanous called the meeting to order, saying this meeting was a continuance of the January 17, 2006 Selectmen's meeting.

Capital Management Recommendation

Mr. Chelgren updated the BOS regarding the Capital Management Advisory Committee saying they are proposing two articles for the town meeting warrant, one being to establish a full nine-member committee and the second to authorize appropriation a \$6,600.00 budget for the committee.

A general discussion followed.

Iron Rail Lease

Mr. Chelgren identified the Iron Rail Committee has sent a recommendation to the BOS to lease a small space in the barn located on the Iron Rail property for \$250 month to a musical band who will use the space for practice.

Mr. Hersee moved to accept the recommendation. Mr. Pickard second and the motion was approved by unanimous vote.

MMA Conference

Mr. Chelgren identified both he and the Hamilton Town Administrator attended seminars regarding regional collaborations such as insurance and human resources. *It was the will of the Selectmen that Mr. Chelgren talks with Ms. Wheeler about possibilities.*

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Biometrics Cost Estimate

Mr. Chelgren identified that the estimate to install two biometric units is \$7400.00, noting that one unit would be at the fire station and one unit at the DPW building.

It was the consensus of the BOS that the Town Administrator continue with the process.

Mr. Chelgren informed the Selectmen that if the town were to replace the inefficient lighting in the gym at the recreation center, it could be eligible for a reimbursement from National Grid. He identified the cost to replace the lighting as \$13,000 and with a reimbursement of \$10,500 from the National Grid incentive program. He added that there is potential savings of \$1,800 per year with the replacement of the lighting. *It was the will of the Selectmen that the Joint Recreation Department be informed and makes a recommendation to the Board.*

Mr. Tanous said Senior Care Meal on Wheels annual fundraiser is at the Gloucester House restaurant, February 14, 2006.

He also acknowledged a letter received from the MBTA letter regarding Wenham's representation.

Mr. Hersee moved to enter into executive session for the purpose of discussing contract negotiations with cable TV, fire, police and insurance and to enter back into open session for the purpose of adjournment.

Mr. Pickard seconded and the motion was approved by roll call vote.

7:09 p.m. The Selectmen returned to open session.

Mr. Pickard moved to adjourn and it was unanimous to do so.